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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,	)	Cr. No. S-02-099 JFM
	)	
Plaintiff,	)	PROBATION REVOCATION PETITION
	)	AND NOTICE OF HEARING
v.	)	
	)	DATE: September 5, 2007
	)	TIME: 11:00 a.m.
	)	JUDGE: Hon. John F. Moulds
SHERRI ANN HERNDON,	)	
	)	
Defendant.	)	

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On August 22, 2002, defendant Sherri Ann Herndon, was sentenced based on her conviction for a violation of Title 18, United States Code, Section 641 - Theft of Government Property. As part of the original sentence, Herndon was ordered to pay restitution in the amount of \$10,006.28, a fine in the amount of \$1,000.00 and a special assessment of \$25.00. Herndon was also sentenced to a term of 60 months supervised probation. On December 22, 2006, Herndon's sentence was modified to allow court probation in lieu of supervised probation. On July 5, 2007, Herndon's sentence was modified again as this Court ordered that all terms of court probation remain in effect and ordered the

1 additional terms as follows:

- 2 1. The defendant shall make a payment of \$600.00 on or  
3 before July 26, 2007;
- 4 2. The defendant shall complete the U.S. Attorney's  
5 Financial Litigation Unit Financial Statement form and  
6 return the form to the U.S. Attorney's Office by  
7 July 12, 2007.

8 The United States alleges that Herndon has violated these  
9 amended conditions of probation as follows:

- 10 1. The defendant did not make a \$600.00 payment, nor any  
11 payment by July 26, 2007;
- 12 2. The defendant returned an incomplete Financial Statement  
13 form to the U.S. Attorney's Office, when offered an  
14 opportunity to correct her omissions, the defendant did  
15 not do so.

16 At the July 5, 2007 hearing, Herndon represented to the court  
17 that she would make a \$600.00 payment to the court. Based on this  
18 representation, the court modified the sentence by ordering  
19 Herndon to make a \$600.00 payment by July 26, 2007. Herndon  
20 informed her counsel that she made the payment. Herndon's counsel  
21 relayed this information to the prosecutor on July 27, 2007. The  
22 records of the Clerk of the Court indicate that, as of July 31,  
23 2007, no payment has been made. See attached Exhibit 1.

24 Herndon was also ordered to complete a Financial Statement  
25 Form and return it the United States Attorney's Financial  
26 Litigation Unit. The Court imposed this condition because  
27 Herndon has an outstanding fine and restitution balance exceeding  
28 \$8,700, which is unlikely to be paid before the termination of

1 Herndon's five-year term of probation. Herndon was ordered to  
2 return the form by July 12, 2007. Herndon returned the form on  
3 July 17, 2007.

4 The prosecutor in this case was informed by the Financial  
5 Litigation Unit that the form was lacking substantial information,  
6 and did not include any of the required supporting documentation.  
7 The government contacted Herndon's counsel, regarding the  
8 omissions on the form and the lack of documentation, the  
9 government provided Herndon with a photocopied version of the  
10 form, highlighting areas that needed to be completed and basic  
11 documents which needed to be attached to the Financial Statement.

12 Herndon's counsel relayed this information to Herndon.  
13 Herndon's counsel reported back to the prosecutor that the form,  
14 was to the best of the Herndon's knowledge, complete.

15 The United States maintains that Herndon has not completed  
16 the Financial Statement, and is therefore in violation of this  
17 Court's order, and Herndon's terms of court probation.

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1 The United States therefore petitions the Court to place this  
2 matter on its calendar for 11:00 a.m. on Wednesday, September 5,  
3 2007, to allow the defendant to show cause why the probation  
4 granted on August 22, 2002, and modified on December 22, 2006, and  
5 July 5, 2007, should not be revoked.

6 DATED: August 1, 2007

7 Respectfully Submitted,  
8 McGREGOR W. SCOTT  
9 United States Attorney

10 By: /s/ Matthew Stegman  
11 by Samuel Wong  
12 MATTHEW C. STEGMAN  
13 Assistant U.S. Attorney

14 ORDER

15 Based on the foregoing allegations, and the good cause  
16 appearing therefrom, it is hereby ordered that the defendant  
17 appear on **Wednesday, September 5, 2007**, at 11:00 a.m., to show  
18 cause why the probation granted on August 22, 2002, and  
19 subsequently modified, should not be revoked.

20 IT IS SO ORDERED.

21 Dated: August 14, 2007.

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23   
24 UNITED STATES MAGISTRATE JUDGE

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26 /herndon.rev2  
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